

Adopted	Rejected
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## COMMITTEE REPORT

YES:	9
NO:	0

### MR. SPEAKER:

*Your Committee on* **Roads and Transportation**, to which was referred Senate Bill 175, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 8-23-2-12.5 IS ADDED TO THE INDIANA
- 4       CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5       [EFFECTIVE UPON PASSAGE]: **Sec. 12.5. (a) As used in this**
- 6       **section, "contractor" refers to a person who provides professional**
- 7       **services under a contract with the department.**
- 8       **(b) As used in this section, "professional services" refers to**
- 9       **engineering, architectural, or surveying services.**
- 10       **(c) Notwithstanding any provision of IC 26-2-5-1 to the**
- 11       **contrary, the department may not require a contractor to assume**
- 12       **any liability or indemnify the state for any amount greater than the**
- 13       **degree of fault of the contractor.**
- 14       **(d) Any contractual provision in conflict with the prohibitions**
- 15       **contained in subsection (c) is void and unenforceable."**
- 16       Page 1, line 10, delete "twenty" and insert "**fifteen**".

- 1       Page 1, line 10, delete "(20%)" and insert "**(15%)**".
- 2       Page 1, after line 15, begin a new paragraph and insert:
- 3       "SECTION 3. IC 34-30-2-26.5 IS ADDED TO THE INDIANA
- 4       CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5       [EFFECTIVE UPON PASSAGE]: **Sec. 26.5. IC 8-23-2-12.5**
- 6       **(Concerning contractors providing services to the Indiana**
- 7       **department of transportation).**
- 8       SECTION 4. **An emergency is declared for this act.**".
- 9       Renumber all SECTIONS consecutively.
- (Reference is to SB 175 as printed January 16, 2008.)

**and when so amended that said bill do pass.**

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Representative Austin